FREEDOM OF RELIGION IN INDIA: A STUDY WITH SPECIAL REFERENCE TO RELIGIOUS CONVERSIONS

A SYNOPSIS

Submitted in partial fulfilment of the requirements for the award of the degree of

DOCTOR OF PHILOSOPHY IN LAW

Submitted by

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2022-23

1. INTRODUCTION

Religion is the belief in one or more than one God and the activities perform in connection of the same. It is considered to be one of the systems of beliefs that is based on supernatural power or God. It is usually defined as a social and cultural system of designated conduct, behaviour and practices, values, ethics, beliefs, texts, sanctified places, prophecies, or organizations, which have been existing throughout time.

The concept of religion was constituted in the 16th and 17th centuries, despite the fact that ancient sacred texts such as the Bible, the Quran, and others did not talk about a word or even not having a concept of religion in the original languages and neither did the people or cultural living these values made anything this regard in which these sacred texts or epics were written.[1]

The origin of human is an attribution of kinds, attribution to a certain race, caste, status and a particular religion. Whether attributions like these can receive a revision in any manner and if so, then to what limit these attributions has been a subject to human inquiry, a social project and also contemporary political philosophy.

Any kind of religion related dialogue in the public sphere in the country automatically draws the spotlight on secularism or more peculiarly on the Indian model of secularism. A universal model off secularism cannot be defined or identified as there exist no religion in the world that is universal.[2]

As explained by Smith- *"To most Indians, secular means non-communal, or non-sectarian, but it does not mean non-religious. The basis of secular state is not a 'wall of separation' between state and religion but rather 'no preference doctrine' which requires that no special privilege be granted to any one religion. The secular state includes the principle that the function of the state must be non-religious."*[3]

India is a country, where all the religions in the world can be located and freedom of religion has been accorded constitutional safeguards. Article 25 to 28 of the Constitution of India construct significant provisions to leverage religious freedom in the country. It is also pertinent to mention here that the term religion has not been mentioned anywhere in

[1]B. Nongbri, *Before Religion: A History of a Modern Concept*. (Yale University Press, Yale, 1st edn., 2013).
[2] T. Asad, *Formations of the Secular.* (Stanford University Press, Stanford,1st edn., 2003).
[3] D. E. Smith, *India as a Secular State* 381 (Princeton University Press, New Jersey, 1963).

the Constitution of India but the term is accorded expansive subject matter through judicial pronouncements.

Religion has been a volatile matter in a country like India, which has the potential of inciting sentiments which have often seen being translated into violent events in the public domain. A case in point being anti-conversion laws in the country, which have been a matter of innumerable conclusion-less debates as well as the content to the present study.

"Religion is that which grows out of, and gives expression to, experience of the holy in its various aspects." -Rudolph Otto[4]

India has been the birth place of several religions and also it has been given recognition of being the land of spiritual beliefs, culture and philosophical thinking. Perception made in regards of the 'religion' differs from one person to another; it is completely a subject of choice and belief. If we look into the Indian scenario, it can easily be coming out with that people of this country carry a strong faith in and are highly dependent on the religion and religious norms. The reason behind this faith and dependence may be their perception that religion brings meaning and rationale to their lives. People with deep faith leverage no stone unturned in demonstrating their fidelity towards the religion they profess.[5]

The Constitution of India has provided and guaranteed several fundamental rights under Part-III for citizens of India. Freedom of religion is one such fundamental rights that has been mentioned about in Articles 25-28 of the Constitution of India. India, being a secular State provides every of its citizens the right to follow, believe in and profess the religion of his/her choice.

Every citizen of India is given this right and liberty of preaching, practising and propagating the religion they want to. They are also provided with by this right, the freedom to spread their religion among everyone without any fear of government interventions. But, at the same time, they are expected by the State that the religion should be practised amicably within the jurisdiction of the country. India has a society that is diverse in terms of race, caste, creed, religion and community. When it comes to the practice of religious beliefs, the State in India comes out as neutral, unbiased and impartial.

[4] G.W. Dawes and J. Maclaurin, *A new science of Religion (Routeledge,* 1st edn., 2012).
[5] Information Technology Act 2002, India, *available at*:https://legaldesire.com/freedom-of-religion-in-india (Visited on October 26, 2022).

The Constitution of India gives assurance that no citizen would be deprived of his or her right to profess and practice the religion of their choice.[6]

The limitations placed on this freedom have been discussed by the apex court in the following words:[7]

"Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. Both in the American as well as in the Australian Constitutions the right to freedom of religion has been declared inunrestricted terms without any limitation whatsoever. Limitations, therefore, have been introduced by courts of law in these countries on-grounds of morality, order and social protection. Our Constitution-makers, however, have embodied the limitations which have been evolved by judicial pronouncements in America or Australia in the Constitution itself and the language of articles 25 and 26 is sufficiently clear to enable us to determine without the aid of foreign authorities as to what matters come within the purview of religion and what do not."

Further, the State in India is also empowered to regulate subjects related to religion or in other words, activities relating the religious practices but the State does not have permission of interfering with the matters relating religion. What the State in India is empowered to regulate is under Article 25(2)(a) are the events and activities, which are in real sense of an economic, commercial or political nature though these may also be linked with practicing religion.[8] Further, religious denominations have also been leveraged freedom of founding and maintaining institutions for religious and charitable purposes; managing its own affairs in matters of religion; to own and acquire movable and immoveable property and to administer such property in accordance with law.[9]

Indian position on the freedom of religion entails non-interference of the state in religious affairs of the individuals and the only allowed interference is confined to the matters associated with religion in some way. This is a skeletal model of Indian secularism. How this skeletal model works out when life and blood are infused into it is a matter of ongoing observation.

The freedom of religion starts getting unclear over the issue of religious conversion. What further constitutes the problem is the absence of any explicit right to convert in the

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[6] *Ibid.*
[7] *Madras* v. *Sri Lakshmindra Thirtha Swamiar*, (AIR 1954 SC 282).
[8] *Ratilal Panachand Gandhi* v. *State of Bombay*, (AIR 1954 SC 388).
[9] Article 26 of The Constitution of India.

provisions relating to the concerned fundamental right in the Constitution. The Hon'ble Supreme Court of India, in a number of cases, received a challenge or opportunity of delving upon *"whether the right to propagate entails the right to convert because the former is a fundamental right and the latter becomes illegal if done forcibly.*" A judgement by the apex court of India came out in the case of *Ratilal Panachand Gandhi v. State of Bombay*[10] has made the provision of article 25 clear by giving confirmation that- *"every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgement or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others".*[11]

It is also noteworthy that even in the period before Independence of India, anti-conversion statutes were made and regulated by the Princely States such as the Raigarh State Conversion Act of 1936, the Patna Freedom of Religion Act of 1942, the Sarguja State Apostasy Act 1945 and the Udaipur State Anti-Conversion Act of 1946 which were specifically against conversion to Christianity.[12]

Anti-conversion laws are promulgated on the ground that there should not be forced or induced conversions, and if they are going to happen, they must be prevented. Such laws are the matters of controversy because of the risk associated with them of minorities being abused by majoritarian forces as the legislative intent of such laws can be ascertained by reading the statute holistically with the aid of various tools of interpretation but no such tools exist to ascertain the intent behind an act of conversion, which is deeply personal (even spiritual) for some. So how will the state distinguish between conversion as a sincere act of conscience from that of one brought about by corruptible means. The problem is further aggravated in case of mass conversions (as opposed to individual conversion) and a question is often raised regarding the genuineness of such acts because they are often done for a political agenda more and have little or nothing to do with faith or conscience. Because conversion, by its very nature, defies any setting up of rational standards against which pronouncements regarding its genuineness can be made. Religion appeals more to the emotive rather than the rational part of a person's life.

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[10] *Ibid.*
[11] *Ibid.*
[12] Krishnadas Rajagopal, "Propagation without proselytisation: what the law says", *The Hindu*, December 21, 2014.

India has a Hindu majority (72.5% of the population) and indigenous religious movements such as Buddhism, Jainism and Sikhism have been present for centuries. Since the 1990s, Hindu extremists have gained momentum, putting forward the narrative that Muslims (14.4% of the population) and Christians (4.8%) are not true Indians. Anti-conversion laws are used as a weapon in this fight. While the wording of the law in each state varies, they generally state that 'no person should convert or attempt to convert, either directly or indirectly, any person from one religion to another by use of force or by allurement or by any fraudulent means.

They have already been introduced in nine states (Odisha, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Uttar Pradesh, Jharkhand and Uttarakhand), are planned in Haryana and Karnataka, and are quite likely to be introduced in several more – despite there being no data about forced conversions taking place. And of course, forced conversions are wrong. But, in practice, these laws are used to attack to make false accusations of coercion against those who have genuinely become Christians from a Hindu background and those who have told them the good news about Jesus.

The governments implementing such laws need to ensure that these do not curb one's Fundamental Rights or hamper the national integration instead, these laws need to strike a balance between freedoms and malafide conversions.

2. PROBLEM PROFILE

The freedom of religion in one form or the other has been guaranteed by the State in almost all the countries in the world. This kind of provisions assume special significance in a multi-cultural multi-religious country like India, which owes its religious diversity to the history and not to any other contemporary trend. Religion has been a major issue in our India and the practice of religious conversions makes it more intense therefore several state governments have constituted anti-conversion laws with the purported goal of preventing forceful conversions. Such laws have been a subject of intense criticism and have been alleged as infringing on one's right to freedom of religion. Conversions, which have been an integral part of freedom of religion, have now become a point of contention due to misuse of this provision. It is the free conversions which have been permitted in constitution. However, the conversions have now become forced conversions in an

organised manner which imposes an imminent threat to the human rights of an individual and also to the unity and integrity of the nation.

3. LITERATURE REVIEW

The review of literature is an important component of any research study. This provides a narrative about the background of the research problem as well as helpful insights for the judgement about the extent of the issue and its existing impacts on the society. Below here, researcher has discussed the finding relating the same through examination of some important studies conducted on the issue raised in this research study. For this, the researcher has gone through various books, journals, articles, research papers and governmental and non-governmental reports. Such works include:

Abdul Hussain (2021) *Religions in India*[13] focuses on identifying the major religious faiths, which have been coexisting in the country since long back describe the religious groups in India along with their history and main teachings, their religious epics and festivals, population-size, geographical features, socio-cultural and economic life, and explain the concept of religious pluralism in context of their contribution in the development and progress of a composite nature of Indian art, culture and society.

Anuradha Dingwaney Needham, Rajeswari Sunder Rajan (2007), through the book named *The Crisis of Secularism in India*[14] presents an assessment of the contradictory ideals, policies and practices of secularism in India. The essays in the book inject insightful analysis into the fraught controversy about the shortcomings and uncertainty of the future of secularism in the world today.

Arie L. Molendijk, Jan Platvoet, Platvoet (1999), *The Pragmatics of Defining Religion- Contexts, Concepts and Contests*[15]promotes a pragmatic, anti-essentialist and anti-hegemonic approach to the issues relating to the need of defining religion. The author argues in this book that definitions of religion are highly bound in accordance with the context-based strategies for pursuing a range of objectives of academic and extra-academic nature. It has chapters on the polemics of defining religion in modern contexts, the history

[13]A. Hussain, "Religions in India" 08 JETIR c1-c9 (2021).
[14]A. D. Needham, R. S. Rajan, *The Crisis of Secularism in India* (Duke University Press, North carolina, 1st edn., 2007).
[15]A. L. Molendijk and J.G. Platvoet, *The Pragmatics of Defining Religion- Contexts, Concepts and Contests*(Numen Book Series, Leiden, Boston, 1st edn., 1999)

of the concept of religion, and the methodology of its definition; it includes several definition proposals.

C.S. Adcock (2014) *The Limits of Tolerance- Indian Secularism and the Politics of Religious Freedom*[16] provides a critical history of the distinctive tradition of Indian secularism known as Tolerance. Since it was first advanced by Mohandas Gandhi, the Tolerance ideal has measured secularism and civil religiosity by contrast with proselytizing religion. In India today, it informs debates over how the right to religious freedom should be interpreted on the subcontinent. This study shows that the designation of Shuddhi as religious proselytizing was not fixed; it was the product of decades of political struggle. The book traces the conditions for the emergence of Tolerance, and the circumstances of its first deployment, by examining the history of debates surrounding Arya Samaj activities in north India between 1880 and 1930. It asks what political considerations governed Indian actors' efforts to represent Shuddhi as religious on different occasions; and it asks what was lost in translation when they did. It reveals that by framing Shuddhi decisively as a religious matter, Tolerance functioned to disengage Indian secularism from the politics of caste.

D. K. Srivastava (1982) *Religious Freedom in India- A Historical and Constitutional Study*[17]presents a background of giving religious freedom as fundamental right under the Constitution of India. The author has focused on identifying the factors responsible for the provision of freedom of religion as fundamental right under the Indian Constitution.

Donald Eugene Smith (2015) *India as a Secular State*[18] has explored the origin of the concept of secularism as it is found both in Indian culture and in the western countries. The emphasis in the book has been given on the crucial role of secularization in India's overall democratic experiment and the author has pointed out that the degree of its realization will without a doubt affect the eventual character of democracy in India.

Dr. Manzoor Hussain (2011) *Sociology of Religion: Nature and Scope*[19]examine the relationship between society and religion as the core idea of sociological understanding of religion. The paper raises a question primarily, i.e., why does every human group have

[16] C.S. Adcock, *The Limits of Tolerance- Indian Secularism and the Politics of Religious Freedom* (Oxford University Press, New York, 1st edn., 2014).
[17] D. K. Srivastava, *Religious Freedom in India- A Historical and Constitutional Study* (Deep and Deep Publications, 1st edn., 1982).
[18] D. E. Smith, *India as a Secular State,* (Princeton University Press, 1st edn., 2015)
[19] M. Hussain, *Sociology of Religion: Nature and Scope,* 157-172 (University of Kashmir, Srinagar,2011)

something resembling religion and how does religion as a social force exert influence in society?

Esther Bloch, Marianne Keppens, Rajaram Hegde. (2009) *Rethinking Religion in India- The Colonial Construction of Hinduism*[20]A critical assessment of the recent debates relating the colonial construction of Hinduism has been given in this book. Increasingly scholars have come to realise that the transparent understanding of Indian culture and its traditions is unsatisfactory. Several contemporary academicians have considered this conception as a colonial evolution. The present book focuses on various versions, arguments and counters of them relating to the thesis that Hindu religion is a construct of colonialism.

Farrah Ahmad (2016) *Religious Freedom Under the Personal Law System*[21]argues that the personal law system in India is a matter of dreadful debates and is highly controversial. This book indicates about this character of the Indian personal Law system itself. A vital issue that has attained inadequate attention in these debates has been addressed in this book and that issue is the impact of the personal law system on freedom of religion in the country. Further, this book argues in a persuasive manner that the religious freedom in India receives maximum harm by the personal law system only.

George Lundskow (2008) *The Sociology of Religion- A Substantive and Trans disciplinary Approach*[22]has argued that the sociology of religion is an insightful text that investigates the facts of religion in all its great diversity, that also includes its practices and beliefs, and following this it analyses actual examples of religious developments using relevant conceptual frameworks. The book with the help of the organized essential topics and real-life issues examines religion both as an object of sociological analysis and also as a device for seeking personal meaning in life.

Goldie Osuri (2012) *Sovereignty and (Anti) Conversion*[23]**-** drawing on the critical and theoretical concepts of sovereignty, biopolitics, and necropolitics, this book examines how a normative liberal and secular understanding of India's religious identity is translatable

[20]E. Bloch, M. Keppens, et al. *Rethinking Religion in India- The Colonial Construction of Hinduism* (Routledge, 2009).
[21]F. Ahmad,*Religious Freedom Under the Personal Law System* (Oxford University Press, New York, 2016)
[22] G. Lundskow, The *Sociology of Religion- A Substantive and Transdisciplinary Approach* (Pine Forge Press, 2008)
[23] G. Osuri, *Sovereignty and (Anti) Conversion* (Routledge, 1st edn. 2012).

by Hindu nationalists into discrimination and violence against minoritized religious communities. Extending these concepts to an analysis of historical, political and legal genealogies of conversion, the author demonstrates how a concern for sovereignty links past and present anti-conversion campaigns and laws. The book illustrates how sovereignty informs the making of secularism as well as religious difference. The focus on sovereignty sheds light on the manner in which religious difference becomes a point of reference for the religio-secular idioms of Bombay cinema, for legal judgements on communal violence, for human rights organizations, and those seeking justice for communal violence.

Hans Schlderman (2015) *The Concept of Religion- Defining and Measuring Contemporary Beliefs and Practices*[24]has given a discussion on the definition and empirical analysis of the religion within the transforming landscape of contemporary society. Now, that society can not anymore assume an easy harmony between the scientific concept of religion, divine doctrine and practiced belief, issues relating and affecting the definition and measurement of religion are becoming critical issues to academic communities. This book involves empirical studies covering issues of lifespan and socialization in context of religion.

Harold G. Coward (1987) *Modern Indian Responses to Religious Pluralism*[25]exposes the outcomes of the 25 centuries of experience in the living laboratory of religious encounter, and presents wisdom and understanding to the contemporary West in its relatively new encounter with the challenge of religious pluralism. The book examines how religious pluralism have actually been functioning in India and also the focus in the book has been on both the responses from within Hinduism and of other religions (Parsi, Islam, Christianity, Sikhism and Buddhism) in India.

Krishna Prasad De (1977) *Religious Freedom under the Indian Constitution*[26]The author has given a traditional perspective of religious freedom in India and has given the spotlight of the provisions of Indian Constitution marking safeguards for this right. The book is comprehensive compilation of the ideas and vision of different thinkers seeking optimum scope of the right to freedom of religion.

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[24]H. Schlderman, *The Concept of Religion- Defining and Measuring Contemporary Beliefs and Practices* (Brill, Leiden, Boston, 2015).
[25]H. G. Coward, Modern *Indian Responses to Religious Pluralism* (Suny Press, New York, 1987).
[26] K. P. De, Religious *Freedom under the Indian Constitution* (Minerva Associates Publications, 1977).

Lalrameng K. Gangte (2017) *Conversions to Christianity and Islam in India: A Historical Survey of the Recent Literature*[27]has noted here that the issue of conversion is highly controversial and concurrent concern provoking debates in legal and academic speres. Understanding the intensity of this, the author has made an attempt of looking at how and why conversions to Christianity and Islam occur in India. It is also noted here by the author that not just the instances of forced conversions have been there, the bulk of conversions to Christianity and Islam have taken place due to several other factors as well and such factors have been highlighted in this article by the author.

Laura Dudley Jenkins (2008) *Legal Limits on Religious Conversion in India* has stated that **i**n contemporary India, government assessments of the legitimacy of conversions tend to rely on two assumptions: first, that people who convert in groups may not have freely chosen conversion, and second, that certain groups are particularly vulnerable to being lured into changing their religion. These assumptions, which pervade the anti-conversion laws as well as related court decisions and government committee reports, reinforce social constructions of women and lower castes as inherently naive and susceptible to manipulation. Here, Jenkins contends to carefully scrutinized the assumptions since like "protective" laws in many other contexts, such laws restrict freedom in highly personal, individual choices.

Laura Dudley Jenkins (2019) *Religious Freedom and Mass Conversion in India*[28]demonstrates that the preoccupation with converts' agency and sincerity has resulted in significant challenges to religious freedom. One is the proliferation of legislation limiting induced conversions. Another is the restriction of affirmative action rights of low caste people who choose to practice Islam or Christianity. Last, incendiary rumours are intentionally spread of women being converted to Islam via seduction. Religious Freedom and Mass Conversion in India illuminates the ways in which these tactics immobilize potential converts, reinforce damaging assumptions about women, lower castes, and religious minorities, and continue to restrict religious freedom in India today.

[27]L. K. Gangte, "Conversions to Christianity and Islam in India: A Historical Survey of the Recent Literature" 1 *SJMS* 12-24 (2017).
[28]L. D. Jenkins, *Religious Freedom and Mass Conversion in India* (University of Pennsylvania Press, 2019)

Letmin Jose Gangte (2014) *Conversion as a Hate Issue: A Study on the Recent Anti-Conversion Bill in Different States of India*[29]has discussed about his perception of the religious conversion along with the historical background of the conversion in Indian context. The conversion movements in the history and active agencies have been thrown spotlight on in this article by the author. Apart from this, the author has focused in the position of Anti-Conversion bill in different states of India. The effects of conversion and the change in the status and identity of the converted Hindus is another part inculcated in this article.

Mehar Singh (2019) *Religion in India: Religious Composition of Population and Religious Regions*[30]stresses on the concept that religion plays a crucial role in everyday life of the people in India and has a critical impact on their socio-economic and political dimensions. Also, the paper describes the spatial concentration of seven religious' groups in the country in accordance with the characteristics presented in the census religion data of 2011 for examining the religious cohesion and segregation. The paper shows the demographic uniqueness of India which helps in informed policy decisions at the part of the State.

Neha Chauhan (2017) *Religious Conversion and Freedom of Religion in India: Debates and Dilemmas*[31] has discussed about the discourse on the religious freedom in India. The politicization of the issue of religious conversion and the perspective of judiciary in dealing with the problem relating secularism, religious freedom and forced conversion is discussed in this article in a well-versed manner. Also, the issue is analysed in the light of the provisions made in the Constitution of India and the Indian idea of Secularism.

Peter Berger and Sarbeswar Sahoo (2020) *Godroads- Modalities of Conversion in India*[32]aims at studying processes of religious change in India. The focus lies neither on any particular religious tradition, nor is it the aim to provide an encyclopaedic overview of conversion in different religious traditions. Instead, the studies presented here investigate the different modalities of religious change across and within religious

[29] Letmin Jose Gangte,"Conversion as a Hate Issue: A Study on the Recent Anti-Conversion Bill in Different States of India". 2014.
[30]Mehar Singh,"Religion in India: Religious Composition of Population and Religious Regions" 18(1) 63-80 *MDURJA* (2019).
[31]Neha Chauhan,"Religious Conversion and Freedom of Religion in India: Debates and Dilemmas" 1 *ILI Law Review* 126-136 *(*2017).
[32] P. Berger and S. Sahoo, *Godroads- Modalities of Conversion in India* (Cambridge University Press, 2020).

traditions. In order to understand the different patterns involved, diverse cases are scrutinised. The cases are diverse in different ways. The different cases involve micro, meso and macro dynamics of religious change in different ways, dealing with large-scale political processes of colonialism and nationalism, dimensions of social structure in relation to conversion and subjective meanings of and motives for conversion. In this way, the book seeks to do justice to the complexity of the phenomenon under study, a complexity that is also reflected in the multivalence and multi-directionality of the trope of Godroads, which is introduced here as a heuristic metaphor.

Peter Losonczi & Walter Van Herck(2019) *Secularism, Religion and Politics- India and Europe*[33]highlights the relationship between the state and religion in both India and Europe in comparison with each other. This book problematizes the idea of secularism and questions received ideas about secularism. The author has also looked at how Europe and India can teach each other about negotiating religious spaces and identity in the present globalized world.

Poorvi Sharma and Purusharth Dixit (2021) *An Analysis of State Anti-Conversion Laws in India*[34]argues that in spite of the criticism of India's anti-conversion laws, many human rights bodies have recognized that these laws have follow in several arrests and no convictions. The conversion is seen as a major mean to expand population. Anti-conversion laws are seen as an alternative measure to the problem of conversion. The statistical analysis is supplemented with a case study of some states where the law is implemented. A detailed study of the legislations showcases that the language used is often extraordinarily broad and vague, posing some serious challenges to religious freedom as guaranteed by the Indian Constitution and embodied in international human rights instruments.

Radhika Kapur (2022) *Understanding the Religions of India*[35]discusses the role of religion in the society in India along with the presence of different religions, their ways of professing and beliefs and their characteristics. The author has raised this argument that every religion has its requirements and for that individuals are required to gain an efficient understanding of the norms, values, morals and ethics associated with the stream. These

[33] P. Losonczi and W. V. Herck Secularism*, Religion and Politics- India and Europe* (Taylor & Francis, 2019).
[34] Poorvi Sharma and Purusharth Dixit "An Analysis of State Anti-Conversion Laws in India", 4(3) *IJLMH* 6229-6236 (2021).
[35]Radhika Kapur, "Understanding the Religions of India", (In Press, 2022).

are in real sense needed to be put into practice in the personal and professional lives of the people.

Ragini Sen, Wolfgang Wagner, Caroline Howarth (2013) *Secularism and Religion in Multi-faith Societies- The case of India*[36]looks into the illustrative issue of the conflict between Hindu and Muslim in the country, with the aim of understanding the dynamics of implemented model of secularism as it exists in traditional multi-faith societies like India. The discussions in the book give emphasis on moral maturation, cultural interpretation in lieu of cultural imposition and creation of a sensitive media policy. Also, the focus of the author has been on providing the policy recommendations for supporting the peaceful coexistence of secularism and religion in India from a peace psychological perspective.

Richard King (2013) *Orientalism and Religion- Post-Colonial Theory, India and "The Mystic East"*[37]Orientalism and Religion offers us a timely discussion of the implications of contemporary post-colonial theory for the study of religion. Richard King examines the way in which notions such as mysticism, religion, Hinduism and Buddhism are taken for granted. He shows us how religion needs to be reinterpreted along the lines of cultural studies. Drawing on a variety of post-structuralist and post-colonial thinkers, such as Foucault, Gadamer, Said, and Spivak, King provides us with a challenging series of reflections on the nature of Religious Studies and Indology.

Ronojoy Sen (2018) *Articles of Faith- Religion, Secularism, and the Indian Supreme Court*[38]examines the relationship of religion and the State in India and seeks to answer the long due question of 'How has the higher judiciary in Independent India came out interpreting the right to freedom of religion and in turn influenced the discourse on secularism and nationhood?' The focus of the author has been on examining the tension between the judgements and decisions attempting to define the essence of religion and in several ways rationalizing it in a society where the religion has been given a prominent space. In context of the same, the major emphasis has been given on article 44 that places an obligation on the state to secure a uniform civil code for the people of India.

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[36]R. Sen, W. Wagner, et. al., *Secularism and Religion in Multi-faith Societies- The case of India* (Springer, 2013).
[37]R. King, *Orientalism and Religion- Post-Colonial Theory, India and "The Mystic East"* (Routledge, London, 2013)
[38]R. Sen, *Articles of Faith- Religion, Secularism, and the Indian Supreme Court* (Oxford University Press, New York, 2018).

Rowena Robinson and Sathianathan Clarke (2007) *Religious Conversion in India: Modes, Motivations, and Meanings*[39] brings together various ideas relating the religion and religious freedom in India and in the other countries of the world. The history of religion and religious conversions in India has been the main highlights of this book along with diverse discussions on the society responding to the concurrent issue and concern related to religion that is conversion. The idea and practice of conversion in India is discussed and presented a discourse upon in the papers in this book in a well-versed manner.

Saadiya Suleman (2010) *Freedom of Religion and Anti-Conversion Laws in India: An Overview*[40]states that the Constitution of India stands on the bedrock of the principle of secularism since its inception, though the word 'secularism' is mentioned nowhere in the original Constitution. The author in this article has given emphasis on the idea that in societies like India, religious passion is undercurrent all the time and emotions are given more value than the rational ideas and reasoning. In such circumstances, any stray activity capable of offending religious sentiments of the people can drive the society erupting with disastrous consequence. Sometimes, because of prevailing circumstances it becomes a mandate for the state to regulate specific religious activities of the persons and it is highly expected that the state ensure this in a way so as to preserve the liberty of a person uptil the time it is possible.

Sarah Claerhout and Jakob De Roover(2018) *Religious Freedom and the Limits of Propagation: Conversion in the Constituent Assembly of India*[41]has observed here that in discussions about the freedom of religion in India, the country's conflict regarding conversion holds a central place in the whole play. The authors have found that the constituent assembly members though were holding contradictory opinions regarding conversion, but a healthy debate in regard of this was never held. Instead, there was a disconnect between the member's concerns, objections, and comments concerning the draft article on the one hand, and the Assembly's decision about the religious freedom clause on the other.

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[39] R. Robinson and Sathianathan Clarke, *Religious Conversion in India: Modes, Motivations, and Meanings* (Oxford University Press, New York, 2007).
[40] Saadiya Suleman, "Freedom of Religion and Anti-Conversion Laws in India: An Overview" 1(1) *ILI Law Rivew* 106 (2010).
[41] Sarah Claerhout and Jakob De Roover, "Religious Freedom and the Limits of Propagation: Conversion in the Constituent Assembly of India", 10(3) *MDPI Religion* 157 (2019).

Susan Henneberg (2016) *The Religion and Beliefs of Ancient India*[42]aims at exploring the religions of ancient India and gives emphasis on finding evidences of the emergence or evolution of the three of the oldest religions of the world i.e., Hinduism, Buddhism and Jainism, from the shared beliefs and traditions, such as reincarnation, Karma, and liberation and achieving nirvana. Also, it includes the discussions on rituals practiced and deities worshipped, to provide readers with an understanding of the beliefs of the people of ancient India.

Tahir Mahmood (2006) *Religion, Law, and Judiciary in Modern India*[43]in a brief manner, states and explains the constitutional, statutory and judicial framework of religion-state relation in India, along with the unique balance that if located in that framework between secularism and freedom of religion. The paper is distributed in four parts where part one includes the emphasis on the fact that law determines the scope of religion; part two explains the foundational role of the Constitution in religion-state relations; part three looks into the legislations and governmental mechanisms relating religious matters in India; and part four illustrates how courts have been interpreting the concept and principle of secularism and religious freedom in India.

Tariq Ahmad (2018) *State Anti-Conversion Laws in India*[44]despite criticism of India's anti-conversion laws, many bodies working for human rights have given acknowledgement that the laws preventing religious conversions have resulted in few arrests and zero convictions. However, some people have observed and noted that the laws inspire a hostile, and on several occasions, a violent environment for religious minorities because these laws do not demand any evidences to support accusations of wrongdoing. The writer in this report has presented a comprehensive discussion on the perspective on the anti-conversion laws implemented in various states of India.

T. N. Madan (1991) *Religion in India*[45]makes attempt to elucidate the major approaches including evolutionary, structuralist, functionalist, cultural/analytical, phenomenological, and hermeneutic, by focusing on the sociological and anthropological aspects and offers

[42]Susan Henneberg, *The Religion and Beliefs of Ancient India* (Rosen Publishing Group, Inc., 2016).
[43]Tahir Mahmood, "Religion, Law, and Judiciary in Modern India" Brigham Young University Law Review,2006(3) *BYU Law Review*755 (2006).
[44] Tariq Ahmad, *State Anti-Conversion Laws in India*, (The law library of Congress, Washington DC, 2018).
[45]T. N. Madan,"Religion in India" 38 *CCR* 103-106 (1998).

reader a clear understanding of the religions' perspectives on time, space, information, sacred persons, and reorientation of the sacred.

William H. Swatos (1998) *Encyclopedia of Religion and Society*[46]is presented in form of a guide map for the developments taken place in approaches, the sacred and profane interface, conflict. The book covers world religions, religious perspectives on political and social issues, and religious leaders and scholars- present and past- in different parts of the world.

William Lad Sessions (1994) *The Concept of Faith- A Philosophical Investigation*[47]states that faith lies at the heart of human life, and not just in religious contexts. But just what is faith? In this book William Lad Sessions ventures a new approach to this age-old problem. Viewing it in global terms, he provides an effective and insightful set of analytical tools for deepening our understanding of the ideas of belief.

4. OBJECTIVES OF THE STUDY

Following are the objectives of the following study, which the researcher will try to meet while progressing with the research-

1. To analyse the Indian legal Framework related to religious conversions.
2. To study the reasons of religious conversions.
3. To analyse the role of courts in dealing with the cases of religious conversion.
4. To analyse the effect of religious conversions in India.
5. To suggest the effective measures to deal with the problem of religious conversions.

5. HYPOTHESIS

i. Although laws have been framed by the States to address the issue of religious conversions, there is a need for a central legislation.
ii. The role of courts is satisfactory to deal with the issue of religious conversions.

[46] William H. Swatos, *Encyclopedia of Religion and Society* (Altamira Press, London, 1998).
[47]William L. Sessions, *The Concept of Faith- A Philosophical Investigation* (Cornell University Press, 1994).

6. RESEARCH METHODOLOGY

The study will be conducted on the basis of Doctrinal research method where a comprehensive analysis of the existing constitutional and legal provisions in conflict will be made by the researcher. Various primary sources of data such as empirical results in the government surveys and reports, legislative measures and statutes will be studied and analysed for the purpose of finding crucial insights relating the matter of religious conversions in India.

The analysis in this study will also be done by accommodating secondary sources in order to conduct such analysis with the help of books, articles, research papers, journals, newspapers, government reports and judicial decisions and commentaries made by the judges of different courts in India in the cases involving matters of secularism, freedom of religion and profession, and forced conversion in the country.

7. UNIVERSE OF THE STUDY

Religion is undoubtedly the most critical aspect of the individual and social conduct. But the extremism in relation to the religion and religious sentiments have been a problem since past few centuries in India. The study will include the examination of the events of such extremist expressions by individuals and religious communities in India. The present study will include within its purview the State legislations formulated to regulate religious or forced conversions and also include the new practices emerged out of religious conversions like love jihad, ghar vapasi, etc.

8. CHAPTERIZATION

Chapter-1: Introduction

This chapter will deal with the general introduction of the issue of religious conversions in India. The chapter will also include various aspects such as problem profile, review of existing literature and the studies conducted before on the subject, objectives of the study, hypothesis, research methodology and chapterization.

Chapter-2: Historical Perspective

Chapter 2 of the study will be used to trace the evolution of the religious conversions in India and its progression in the different times.

Chapter-3: International Legal Framework

In this chapter of the study, the examination of the validity of the religious conversions in will be conducted in the light of international legal frameworks including international conventions, declarations by the United Nations and other international specialized agencies.

Chapter-4: Constitutional and Indian Legal Framework

In this chapter of the study, the examination of the validity of the religious conversions in India will be conducted in the light of Indian laws. The Constitutional and legal validity of the issue raised in the study will be tested in the present chapter. Relevant constitutional provisions, legal instruments, rules, guidelines and recommendations of the committees formed in this regard will be discussed in this chapter.

Chapter-5: Judicial Approach

This chapter will examine the perspective of the Indian Judiciary by evaluating the relevant and landmark decisions of the Hon'ble Supreme Court of India, Various High Courts and apex tribunals.

Chapter-6: Result and Discussion

This chapter will describe the outcomes of the study undertaken by the researcher. The pros and cons of the practice of the right of religious freedom and the phenomenon of religious conversion will be highlight of the chapter. Also, the impact of the forced conversions on modern Indian Society will be examined.

Chapter-7: Conclusion and Suggestions

This chapter will contain brief about the extent of the social issue raised in this study, the relevance of the literature used for the building the foundation of this research, research gap and shortcomings in the results, research objectives fulfilment, major outcomes of the study, concluding remarks and research scope for the upcoming studies on this issue.

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CERTIFICATE
(SYNOPSIS APPROVAL CERTIFICATE)

This is to certify that the Synopsis/Revised Synopsis for M.Phil. Dissertation/Ph.D. Thesis titled, **"Freedom Of Religion In India:A Study With Special Reference To Religious Conversions"**, submitted by **Ms. Neetu Thakur** to the Career Point University, Hamirpur (H.P.), India in partial fulfilment of the requirements for the degree of **DOCTOR OF PHILOSOPHY** in the Department of law, School of Legal Studies and Governance has been approved by the Research Advisory Committee (RAC) after an Oral Examination of the student on dated: 07-01-2023.

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